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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,810	09/30/2004	John Zimmerman	PHUS020099	8348

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EXAMINER

BAIG, SAHAR A

ART UNIT	PAPER NUMBER
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2424

MAIL DATE	DELIVERY MODE
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01/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,810	Applicant(s) ZIMMERMAN ET AL.	
	Examiner SAHAR A. BAIG	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/13/2009 have been fully considered but they are not persuasive. On page 2 of the Remarks section, Applicant argues that the teachings of Oldale relate to generating recommendations for the user, and not to efficiencies of storage, or responses to possible query by the user. Examiner respectfully disagrees. The system of Walker, which makes the basis for the rejection under 103, discloses supplying relevant supplemental information for video programs in response to a user query. To supplement Walker's teachings, the disclosure of Oldale is used to show that it is well known in the art to use a filtering engine that filters data and selectively stores only the relevant preference data of a user based on observations of the user's past behavior. The system of Oladale stores this information in the storage means 7 of Fig. 2, See also [0144]. Therefore the predictive teachings of Oladale are combined with the teachings of Walker to filter data that may be asked for by the user.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2424

3. Claim 1-3 and 9-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. US Patent Publication No. 2001/0018771 in view of Oldale et al. US Patent Publication No. 2004/0054572.

Regarding Claim 1 and 16, Walker discloses a method for providing complementary information for a video program, **Figure 4** comprising: receiving complementary information for a video program **S7**; receiving a query from a consumer, the query related to a specified portion of the complementary information [**S8** Note ID and timing data is specific]; providing a query response to the consumer based on the specified portion of the complementary information [**Feedback loop S5 - S8**]. Walker, however, fails to disclose the limitation wherein prior to receiving a query, the processor anticipates complementary information that might be requested by the consumer in response to said received complementary information and consumer profile data collected and stored in user data tables, and storing said anticipatory complementary information, and wherein, in response to the query, the processor retrieves the stored anticipatory complementary information and provides the retrieved anticipatory complementary information as the query response. In an analogous art, Oldale discloses a system for generating a recommendation guide based upon user preferences [**0195**] where the recommendations are a product of filtering the data and then subsequently storing it [**0145**]. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include

predictive searching technique in Walker's system to provide narrowed and more specific complementary information to the user based on the user profile.

Regarding Claim 2 and 17, Walker discloses a method further comprising: determining whether a predetermined amount of time has passed since the complementary information was updated in the video program; and retrieving updated information from at least one external data source when the predetermined amount of time has passed since the complementary information was updated [0046].

Regarding Claim 3, Walker discloses a method comprising receiving complementary information directly from the video program [0045].

Regarding Claim 9, Walker discloses all of the claimed limitation except providing a query response comprising accessing user data tables for consumer- specific data and personalizing the query response based on the consumer- specific data. In an analogous art, Harrison disclose a signal processing unit is provided with one or more analyzing units to analyze textual information decoded from a number of channels of a communication signal to determine if channel contents of the channels are among channel contents defined by selection data Figure 2. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Walker and Harrison to achieve a

Art Unit: 2424

method of automatically providing complementary video program information based on viewer criteria so that the consumer are able to receive customized programming.

Regarding Claim 10 and 15, Official Notice is taken on the use of a dual screen output device. It would have been obvious to one of ordinary skill in the art to display complementary information regarding a video program on the same or a different screen.

Regarding Claim 11 and 14, Walker discloses a method comprising providing a visual indicator to notify the consumer that complementary information is available upon request [0072].

Regarding Claim 12 Walker discloses a method comprising receiving from the consumer an identification of complementary information as delayed complementary information and providing the delayed complementary information to the consumer at a later time [0018 This method allows the supplemental information to be synchronized to a live broadcast television program or a pre-recorded video tape program, such as a rented movie or a time-shifted playback of a television program. Therefore the synchronized supplemental information is being provided at a later time along with the video program].

Regarding Claim 13, Walker discloses that the user query comprises one of a who query, a what query, a where query, a when query, a why query and a how much query [0021].

4. Claims 6-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. US Patent Publication No. 2001/0018771 in view of Oldale et al. US Patent Publication No. 2004/0054572 in further view of Wang et al. US Patent Publication No. 2002/0188949.

Regarding Claim 6-8, the combination of Walker and Oldale fails to teach the limitation wherein consumer-specific data identifies previously viewed programs. In an analogous art, Wang discloses a method wherein the consumer-specific data comprises data identifying video programs previously viewed by the consumer [Abstract and 0007]. Therefore, it would have been obvious to one of ordinary skill in the art to include Wang's teachings so that more specific complementary information to the user based on the user profile.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2424

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on Monday-Friday (8:00 - 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

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